

Eleanore Garber, Judge
Family Court Division Five, Motion Hour (11:00 a.m.)
September 14, 2009

Attached are the preliminary rulings for the 9/14/09 Motion hour. Please note that these are not final rulings, only preliminary. If you have an objection to a ruling, you must appear at motion hour by 11:10 a.m. to voice your objection. Of course, if it is your motion, and the judge has indicated that the motion is to be signed, you still need to appear or contact opposing counsel to make sure there are no objections. Since only a very small percentage of the attorneys who regularly practice in Family Court are on this list, if you contact opposing counsel about the preliminary rulings, please notify him or her about any request the judge may have (such as MCD to be filed within 15 days).

<u>CASE NO.</u>	<u>NAME</u>	<u>STATUS</u>
09CI503138	KIMBERLY STILLWELL V. PAUL STILLWELL	Petitioner may seek an EPO. Respondent has not yet been served in this action.
09CI502917	WILLIAM STOLTZ V. ANGELA STOLTZ	Child support and Wage Assignment Order to be signed. Get hearing date on motion for temporary maintenance and attorney fees.
09CI502734	CHFS V. JENNIFER SIMON	Get 20-minute hearing date.
09CI502662	KIMBERLY TOMES V. ALAN TOMES	To be called on Petitioner's motion. Unless compelling objection, tendered order to be signed but with Respondent to have supervised contact with child. Parties to choose mediator.
09CI502177	GUSTOAVO GARCIA V. AYME BALBOA-SONORA	Get CMC. To be called regarding choice of mediator.
09CI501955	CHFS V. JEANEAN MALUBAY	Get 20-minute hearing date.
09CI501194	AMY SPEARS V. MICHAEL SPEARS	Tendered decree signed.
09CI500853	MELISSA SMITH V. JAMES SMITH	Tendered order to be signed unless parties agree on alternate mediator.
09CI500628	BARBARA SIMCOE V. JAMES SIMCOE	Tendered order signed.
08CI504075	CHFS V. GLORIA KAISER	Get 20-minute hearing date.
08CI503162	KATHRYN DERMODY V. WILLIAM DERMODY	Respondent tendered order is signed. Petitioner's tendered order is overruled. Court was advised by parties that Judge Delahanty was going to rule on motion to amend her prior order. If this is incorrect please advise.
08CI501325	BRENDA THOMPSON V. THOMAS THOMPSON	To be called.
08CI500647	CHFS V. GWEN THORNTON	Get 20-minute hearing date.
08CI500240	GRETA SOMMERS V. JOHN SOMMERS, II	Tendered order signed.
07CI500540	STEVEN SMITH V. LYDIA SMITH	Tendered order signed.
06CI504388	CHFS V. JODY TRAIL	Get 20-minute hearing date.
05CI501084	ANDREA SWAIN V. CALVESTER SWAIN	All tendered orders to be signed unless compelling objection.
05CI500070	LESLIE SOSNIN V. BARRY SOSNIN	Motion for leave to file discovery 9/14 is sustained. Motion to increase parenting time is overruled. Motion to appoint GAL is overruled without prejudice. Trial is in 10 days.
04CI500443	BENJAMIN TOADVINE V. CAROL TOADVINE	Get hearing date unless agreements. To be called regarding choice of mediator.
03CI502618	LAURA SMITH V. JAMES SMITH	To be called regarding choice of mediator.
99FC7320	DAWN SHOPTAW V. JOHN SHOPTAW	Get hearing date.
09CI502249	VIVIAN STEVENSON V. JUSTIN STEVENSON	Pro se. Proof can be taken. Only Warning Order Attorney service so Court cannot set child support or assign debts unless Respondent is present and accepts service.
09CI501557	BRIDGETTE TRENT V. TRUMAN TRENT	Pro se. Get 15-minute hearing date for taking proof. Both parties need to complete FIT prior to dissolution.
08CI504338	PEGGY SUMMERS V. TERRY SUMMERS	Pro se. Get hearing date for child support unless Ann can meet with parties and calculate child support and they reach agreement.
08CI504012	JOHN COTTON V. DOROTHY COTTON	Pro se. Get hearing date.
08CI503299	BENJAMIN SPARKS V. PENNY SPARKS	Get contempt hearing date.
08CI502981	TRACI TAYLOR V. LELAND TAYLOR	Pro se. Ann to tell him to stop paying in cash and keep his own records.
99FC6845	KAREN SYMPSON V. WILLIAM SYMPSON	Pro se. Get contempt hearing date. Petitioner to obtain certified copies of Jefferson County child support division records.

NOTE #1: CONTESTED HEARINGS CANNOT BE HELD DURING MOTION HOUR.

NOTE #2: NOTICE, MOTION, ORDERS IN PATERNITY CASES CANNOT BE HEARD ON THE CIRCUIT COURT MOTION HOUR DOCKET. PATERNITY COURT MOTION HOUR IS AT 8:30 A.M. ON MONDAY'S.

NOTE #3: PROOF WILL NO LONGER BE TAKEN AT MOTION HOUR, EXCEPT IN RARE CIRCUMSTANCES AND ONLY IF PRE-APPROVED BY THE COURT. PROOF SHALL BE SUBMITTED BY INTERROGATORIES UNLESS DEFAULT JUDGMENT.

NOTE #4: NOTICE, MOTION, ORDERS SHOULD INCLUDE PLACE FOR HEARING DATES AND TIMES.